

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

MS. RONNY DARNELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-12-1065-M
)	
JUSTIN JONES, in his personal)	
capacity; DON SUTTMILLER, in his)	
personal capacity; JANET)	
DOWLING, in her personal capacity;)	
KATRYNA FRECH, in her personal)	
capacity; and JAMES SMASH,)	
in his personal capacity,)	
)	
Defendants.)	

REPORT AND RECOMMENDATION

Requests for Injunctive Relief

I. Background.

On July 24, 2013, this Court adopted the undersigned's recommendation and dismissed Plaintiff's claim for injunctive relief against the above-named Defendants in their individual capacities. Doc. 75. This Court then recommitted the action to the undersigned for further proceedings, including consideration of a motion to amend filed by Plaintiff, Doc. 72, in response to the undersigned's recommendation. Doc. 75. Prior to any order by the undersigned with regard to the motion to amend, however, Plaintiff moved for a temporary restraining order and preliminary injunctive relief against these same Defendants. Doc. 76.

II. Analysis.

Because Plaintiff sued these Defendants only in their individual capacities and only for injunctive relief, the complaint, as now cast, does not state a claim against the named Defendants. *See Brown v. Montoya*, 662 F.3d 1152, 1161 n.5 (10th Cir. 2011) (noting that a plaintiff suing under § 1983 “may sue individual-capacity defendants only for money damages and official-capacity defendants only for injunctive relief”). Plaintiff’s only claim has been dismissed, and no Defendant is named in an official capacity. At present, injunctive relief cannot be effectuated.

III. Recommendation and notice of right to object.

For these reasons, the undersigned recommends that Plaintiff’s request for a temporary restraining order and for injunctive relief, Doc. 76, be denied. The undersigned further recommends that other pending motions seeking or pertaining to injunctive relief, Docs. 33, 49, 64, be likewise denied.

The parties are advised of their right to object to this Report and Recommendation by September 15, 2013, in accordance with 28 U.S.C. § 636 and Local Civil Rule 72.1. The parties are further advised that failure to make timely objection to the Report and Recommendation waives the right to appellate review of both factual and legal questions contained herein. *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This Report and Recommendation does not dispose of all issues referred to the Magistrate Judge in this matter.

IT IS SO ORDERED this 26th day of August, 2013.



SUZANNE MITCHELL
UNITED STATES MAGISTRATE JUDGE